

MYSTERY IN BYRNE'S \$20,000,000 LEGACY

Mission Worker From Montreal Vouches for Estate, but It Seems Elusive.

LAWYERS ARE PUZZLED

Papers Filed in Florida Are Certified Copies — Original Will Not Seen.

GIRL'S RESCUE BELIEVED

Her Rich Father's Gratitude to Preacher Is Told Most Interestingly by Latter.

New York banking interests have been investigating the strange story told by the Rev. David S. K. Byrne, a mission worker of Montreal, now at the Claridge Hotel. He says that a fortune of at least \$20,000,000 was left him by a grateful capitalist whose wayward daughter he reclaimed by prayer in Chicago fourteen years ago, and that when he gets it he will use it to build rescue homes for other girls. Banking clients asked the law firm of Olcott, Bonbrue, McManus & Ernst, of 170 Broadway, to check up on the clergyman's expectations so that they might know whether to undertake to help him in collecting the assets of the estate, supposed to be in many countries. Terence J. McManus, of that law firm has had a talk with Mr. Byrne and inspected his legal papers, and has caused inquiry to be made in Florida. He has compared his conclusions with those of another bank which has been looking around on its own account. The result is, Mr. McManus said yesterday, a recommendation from him to his clients that the "matter is too uncertain to warrant any action on their part."

The investigators, as far as they have gone, have not located the rich oil and timber lands, stocks and other properties which are the bulk of Mr. Byrne's reputed inheritance. They have seen a paper indicating the existence of a small property in or near Pittsburgh. They have been unable to obtain a clear mental picture of Wellington G. Byrne, the minister's benefactor, or to ascertain the sources of this obscure millionaire's large estate.

They are puzzled by the fact that the many papers filed by the Rev. Mr. Byrne in a Florida court, including the will itself, are not originals but certified copies. They have not succeeded in getting Mr. Byrne to tell them where the original will is, nor was THE NEW YORK HERALD more successful, for his answer was: "It's filed; everything is filed and proven."

Byrne Is the Sole Executor.

Mr. Byrne apparently believes with all his soul in the reality of his great heritage. Under the appointment of a Florida court he is the sole executor, and under the will itself is the sole surviving beneficiary of the will of Wellington G. Byrne. For years he has been going up and down the earth collecting his "proof" and upturning obstacles that lay in his way. He says now his story is true to the last line and that the trouble with the banks is they want to take everything, which he doesn't purpose to let them do.

Mr. Byrne's story was outlined in THE NEW YORK HERALD on May 23. In brief, he says that he retrieved Lucy Lillian Byrne from a sorry life in Chicago in 1907; that her father, Wellington G. Byrne, some time of Pittsburgh, in gratitude, made him an heir and executor on condition that he change his name from David S. Kidd to David S. K. Byrne, that was done; that Lucy Byrne died in 1908; that her father died later in the same year while going to or from Australia, where he had once lived; that the two other surviving heirs and executors, Wellington Byrne's widow and son, vanished in 1914 after leaving Australia bound for Europe by way of the United States and are believed to have been lost in the sinking of the steamship Empress of Ireland on May 29 of that year.

Inquiry in Montreal brings this information: David S. K. Byrne, known to his friends as Davey Byrne, first visited Montreal newspaper offices ten or a dozen years ago with documents which, he said, proved his right to a large fortune left by a millionaire of the name of Byrne, whose name he had taken. The newspapers printed his dramatic, heart interest narrative of the redemption of

the girl in Chicago and the unexpected reward. At the time, Mr. Byrne intimated the value of the estate at \$12,000,000. Legal impediments, he said, had been placed in his way by interested persons, and certain essential papers were missing. Saying that he must make a trip to Australia in connection with the legacy, he disappeared from Montreal for a few years. When he returned he opened a mission in the north end of the city.

Funds Advanced by Lawyers.

"He appeared to have an abundance of funds," says the Montreal despatch to this newspaper, "and it was thought generally that he must have come into his fortune. He explained, however, that advances were being made by lawyers. At his Montreal mission, which were lavishly advertised, he repeated again and again the story of 'How I rescued a millionaire's daughter from white slavery,' and exhibited a Bible which he presented to the girl and which she left to him when she died."

One day Mr. Byrne was dragged from his pulpit by detectives, who charged him with having given a check for which there was no money. This proved to be in error on the part of the bank and he was honorably discharged. Although he is slight of body and lame, he fought the detectives and hit one of them severely. His supporters were indignant. He resumed his mission work with larger audiences than ever, continuing it until his departure a few weeks ago for New York, where he and Mrs. Byrne took rooms at the Claridge.

"Nothing was ever established here about his right to the fortune," says the Montreal despatch, "but he found a strong body of faithful supporters, and, as far as can be learned, conducted his mission in a spirit of helpfulness and earned the gratitude of many poor people."

Terence J. McManus, the New York lawyer, says:

"The Rev. D. S. K. Byrne wished to have our clients, banking interests, help him in collecting assets represented as being distributed all over the world. He said that Wellington G. Byrne, whose last residence was in Florida, left him substantial property. Our clients and myself met him. He showed us a number of documents, many of which related to his change of name from David S. Kidd to David S. K. Byrne."

"He showed us also what purported to be a certified copy of a will and codicils, also letters and certificates from County Judge R. B. Johnson of Jasper, Hamilton county, Fla. The latter went no further than to say that David S. K. Byrne had filed some data in the county court there purporting to show that the estate was worth upward of \$20,000,000. Our clients asked to find out what substance there was in the story. We had our correspondent in Jacksonville go to Hamilton county and make an investigation. Upon receiving his report we recommended to our clients that the matter was too uncertain to warrant any action."

"Another client, a prominent bank, made inquiry the result of which checks up with our own. They also advise us that they have been in touch with the office of an Australian bank who is now here and that he never heard of Wellington G. Byrne, or of the properties he is represented as having left there."

Legal Documents on File.

The substance of the report made by the Jacksonville attorney to Mr. McManus is this: In the office of Judge Johnson in Jasper, Fla., is a large box, such as men's shirts come in, filled with documents left with the Judge by David S. K. Byrne. The searcher was struck by the fact, he says, that there was not an original paper relating to Wellington G. Byrne. All are certified copies save for one affidavit "partly identifying him from a photograph exhibited by David." The filed copy of the will and two codicils are certified by Ida M. Nichols, a notary of Jacksonville, on November 15, 1915, as being "a true and correct copy of the original will and codicil." The witnesses of the will were F. P. Ross, John Moss and F. P. Ross.

Attached to the will is a certificate signed by F. P. Ross, an attorney and notary of Baltimore, dated July 15, 1911. It says the attached copy is a true copy of the will and codicils filed in the office. The will, according to the certified copy, is dated June 26, 1908; the first codicil, June 28, 1908, and the second codicil, leaving the daughter's share to D. S. K. Byrne, August 15, 1908. There is also a certificate signed by F. P. Ross and dated March 10, 1919, giving a statement of the value of assets as \$9,100,000. Of these \$4,500,000 were in "Argentina and Southern States of America," \$2,500,000 in Brazil and Mexico, \$1,500,000 in Australia and \$6,000,000 in Spain.

Papers purporting to be an inventory are also on file, consisting, says the investigator, of copies of other papers. Among them are two copies of tax statements relating to property in Jacksonville. The investigator says he finds that this property belonged to an old resident of Jacksonville, George W. Byrnes, who died last year.

The lawyer acting for Mr. McManus reports further: "Absolutely nothing is known of the alleged testator, Wellington G. Byrne. A careful search of the records in Hamilton county failed to disclose even a trace of any real or personal property in his name. I have found that during David Byrne's stay in Jasper he received two remittances of \$400 each from a Canadian bank, but

was unable to find the name of his bank. The copy of the will speaks of the testator as Wellington G. Byrnes of White Springs, Fla. There is nothing to show where the supposed will was drawn. I could get no information concerning F. S. Hill and John Moss, whose names appear as witnesses. Among the papers it appears in one place that Wellington G. Byrne died at sea on September 15, 1915, while in another the papers it appears that Byrne's will died in 1914 while on her way to London to attend the probate of Wellington's will. This, of course, may be a harmless error, but it would appear that Mr. Byrne was on her way to London to attend to the probate of her husband's will a year before he died."

Judge Johnson, writing to an inquirer in New York on May 19, 1921, said: "There is no property that I know of interested parties asking for information which he could not furnish, and, becoming irritated, severed the connection. Whether papers were destroyed or returned she does not know, but her recollection is that they were unimportant, and could shed no light on the matter." Pittsburgh reports no recollection of Wellington G. Byrne, who, according to

the Rev. D. S. K. Byrne, lived there at one time. The only family W. G. Byrne could have been connected with left Pittsburgh about 1900, the correspondent says. That would not be conclusive, as D. S. K. Byrne told a reporter for this newspaper that the period of W. G. Byrne's Pittsburgh residence was back in the 60's.

The New York Herald learns from Toronto that E. E. Roney, Attorney General for Ontario, is investigating the claim of the Rev. Mr. Byrne, but has come to no conclusion.

The Washington bureau of THE NEW YORK HERALD wires that there is no appeal pending before that court of any case featuring the name of Wellington G. Byrne, or William G. Byrne (as he was sometimes known, according to the minister), or David S. K. Byrne, or David S. Kidd, and that the clerks do not recall a Byrne will case under any other name.

Mr. Byrne, when a reporter telephoned to him at the Claridge, said: "Everything I have said is true. I know what I am about. The papers are all on file and the matter has gone clear up to the Supreme Court and I had a

long talk with the late Chief Justice White about it. The trouble with the banks is they want to fix things so they'll get the property, and I won't let them."

"Where is the original will?" he was asked.

"It's filed in Florida."

"But it is reported that the document filed is a certified copy."

Mr. Byrne repeated that everything was filed. Then speaking of the original will and the curiosity displayed as to its whereabouts, he added, "There are some things I wouldn't let anybody see." It was not at all strange, he said, that the investigator had found no W. G. Byrne property in Hamilton county, Fla., for there was none there, and he had never said there was. He explained that although W. G. Byrne had some property in Florida in other counties than Hamilton, he was not really a resident of that State, but was so rated for testamentary purposes because White Springs was the place of his last domicile. "The Rev. Mr. Byrne knew that both the man and the estate did exist. Otherwise he did not care to discuss the matter," he said.

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